COURT NO.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No.2130 (S/S) of 2001

(Old Case No.46995 of 2000)

Radhey Shyam Tiwari, son of Shri Ram Awadh Tiwari, resident of Village Duhelwa, P.O. Payagpur, District Bahraich, presently working as Assistant Teacher in Government Inter College, Mori, District Uttar Kashi.

.....Petitioner

Versus

1. Director of Education, U.P. at Allahabad.
2. Assistant Director Service (1), U.P. at Allahabad.
3. Regional Deputy Director of Education, Garhwal Mandal at Pauri.
4. Shri Purushendra Rathore, Assistant Lecturer, Government Inter College, Kaphalpani, Tehri Garhwal.

.....Respondents

Sri S. S. Yadav, learned counsel for the petitioner.
Learned Standing Counsel for the respondents

Dated: 13.12.2007

Hon'ble P.C. Verma, J.

Grievance of the petitioner is that the petitioner has been left over while the juniors to the petitioner have been promoted to the post of Lecturer though the petitioner is fully eligible to be promoted who is senior to respondent no.4.

2. How the petitioner is senior to respondent no.4 has not been clearly stated in the writ petition. The only basis is that the letter of ad hoc appointment in which the petitioner's name figured above the respondent no.4. May be the petitioner and respondent no.4 appointed on the same day on ad hoc basis but when they become the member of service that is to say

when their services were regularized has not been stated in the writ petition. Therefore, it cannot be said that the petitioner is senior to the respondent no.4. Petitioner has made averment in para-7 of the writ petition that on the basis of the seniority list, the name of the petitioner figures at serial no.8025 and name of the respondent no.4 figures at serial no.8026. It is not stated in the writ petition that it was a final seniority list and neither the list has been annexed to verify this fact. Therefore, for the lack of correct facts, the petitioner has no leg to stand to challenge the seniority of the respondent no.4 vis-à-vis the petitioner to claim the promotion.

3. The petition is devoid of merit and is dismissed accordingly. No order as to costs.

(P.C. Verma, J.)

13.12.2007
RBS